

**City of East Bethel**  
**City Council Agenda**  
Work Session - 6:30 PM  
Date: June 2, 2010



	<b>Item</b>	
6:30 PM	<b>1.0</b>	<b>Call to Order</b>
6:31 PM	<b>2.0</b>	<b>Adopt Agenda</b>
6:32 PM	<b>3.0</b>	<b>Discussion of Significant Natural Environmental Area (SNEA) – Overlay District</b>
7:25 PM	<b>4.0</b>	<b>Adjourn</b>



# City of East Bethel City Council Agenda Information

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**Date:**

June 2, 2010

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**Agenda Item Number:**

Item 3.0

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**Agenda Item:**

Significant Natural Environmental Area (SNEA) – Overlay District

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**Requested Action:**

Informational for discussion

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**Background Information:**

On April 7, 2010, staff presented City Council with suggestions and information regarding potential changes to the SNEA overlay district. Section 59 of the City’s Zoning Ordinance provides for purpose and intent of a SNEA overlay district but lacks some of the specifics to effectively implement the provisions of this section of City Code. For example, there is no calculation process for determining how many lots will be permitted in certain areas identified as a SNEA. This is an item that Council must discuss to determine how it will apply density calculations such that this aspect of development is applied uniformly for across all developer requests.

We are asking that Council review the suggestions and provide feedback such that amendments to the current ordinance can be developed and presented for Council consideration. Following adoption of the amendments to the current SNEA Ordinance, several other documents/plans will require updating or change. This includes the Water Management Plan, the addition of a Storm Water Management Ordinance and the Planned Unit Development (PUD) section of the zoning ordinance. As noted, these are separate actions by the City Council following the adoption of SNEA Ordinance amendments.

The framework for this ordinance was adopted in the City Comprehensive Plan that was adopted in August, 2007. From this framework, the current SNEA ordinance was drafted.

Again, the basic ordinance is in place. There are four specific areas that need refining within the structure of the current ordinance that make it effective.

First, dimensional standards, separation distances, maximum densities, and means of calculation of allowed units need to be established.

Since the SNEA Overlay District is intended to provide for greater flexibility in land use planning, it is not typical to have dimensional standards. However, separation distance of

property lines of all lots should be established in order to allow buffer screening and to minimize land use conflicts. Examples for separation distances are as follows:

- 1) Property line to existing or proposed arterial street rights-of-way: 25 feet
- 2) Property line to subdivision perimeter boundaries: 25 feet
- 3) Property line to existing buildings or barnyards housing livestock: 100 feet
- 4) Property line to wetlands: 25 feet from the ordinary high water mark (if public wetland) or delineated wetland edge.

It is typical to allow a density of 1.5 dwelling units per net buildable acre. However, City Council needs to establish a specific density number to be applied in SNEA developments. Net buildable area (NBA) is calculated using the following method:

From the gross acreage of the site, subtract the unbuildable areas:

Gross Acreage of Site	_____	acres
Unbuildable area	_____	acres
Land within existing road right-of-way	_____	acres
Land within existing utility and railroad right-of-way	_____	acres
Land within the 100-year floodplain	_____	acres
Land within wetlands, ponds, and lakes	_____	acres
Total unbuildable area	_____	acres
Net buildable area (NBA)	_____	acres

Where two or more categories overlap, the overlapping area shall be counted only once.

To determine the number of dwelling units permitted, the net buildable area shall be multiplied by the maximum net density, rounding to the nearest whole number.

\_\_\_\_\_ Acres NBA multiplied by \_\_\_\_\_ (max. net density) = \_\_\_\_\_ permitted dwelling units

Second, open space requirements and landscape design standards need to be established.

It is typical for a City Council to require up to 50 percent of the total area of each PUD to be designated as open space. The required amount of open space could be in addition to any land that would be used to satisfy the public park dedication requirements. Open space priorities should be established. Open spaces should generally be located and designed to incorporate the following areas listed in order of priority:

- a) Existing ecological resources identified as environmentally sensitive areas in the Parks, Trails, and Open Space Comprehensive Plan.
- b) Land within the significant natural environmental areas (SNEA) as identified on the Official Map of the City of East Bethel in the Comprehensive Plan.
- c) Lands, particularly those adjacent to rivers, streams, wetlands and drainage areas that may be subject to potential for soil disturbance leading to erosion that is detrimental to water quality.
- d) Natural drainage ways such as wetlands, creeks, streams, etc.

Other open space areas, depending on the individual parcel and its location, may also be important for open space designation, such as:

- a) Other healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- b) Areas where precipitation and storm water treatment are most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- c) Hedgerows, groups of trees, specimen trees and other unique or significant vegetation features.
- d) Historic or culturally important structures and sites.

Open space design standards should be considered when a developer is designing the PUD. Options and considerations include the following:

- a) Open space should be interconnected wherever possible to provide a continuous network of open space land within the PUD and throughout the city. It should coordinate and maximize boundaries with open space on adjacent tracts.
- b) Incorporate public trails and/or public open space designated in the Comprehensive Plan and the Parks, Trails, and Open Space Comprehensive Plan.
- c) Designated public access trails shall be protected by an access easement owned by the City.
- d) Open space uses may include natural/passive and active recreation areas; agriculture parcels; storm water management facilities; neighborhood greens; trail links; and, boulevards.
- e) Open space should be distributed throughout the development to serve and enhance as many dwelling units as possible. At least 75 percent of the lots shall directly abut or face open space land across a street. Non-adjoining lots shall be provided with convenient access to the open space through access strips at least 30 feet wide. Access to open space used for agriculture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.
- f) Views of new dwellings from exterior roads and abutting properties should be minimized by the use of changes in topography, existing vegetation or additional landscaping. Ridge and hilltops should be contained within open space areas wherever possible. Trees should not be removed from ridge and hilltops.
- g) The entire area set aside as open space shall be maintained in perpetuity. This restriction shall run with the land and be binding on successors and assigns of the landowner.
- h) The boundaries of designated open space areas shall be clearly delineated and labeled on PUD plans. These areas shall be delineated in the field with signage or other measures approved by the City.
- i) Agricultural open space uses should use conservation practices consistent with those described in the "National Handbook of Conservation Practices," published by the United States Department of Agriculture Natural Resources Conservation Service.

Landscape design standards should be established. Landscape design standards outlined in the SNEA are different than that for a standard subdivision. Landscape design standards for PUD's are to remain flexible as each development is different. Some examples City Council may want to consider when reviewing a SNEA PUD landscaping are as follows:

- a) Street trees may be planted along internal streets passing through common open space.
- b) Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.
- c) The species of street trees shall be consistent with species found in the oak-savanna forest.
- d) A planted buffer area at least 25 feet in width shall be established within all separation areas between exterior arterial or major collector roads and property lines.
- e) Planted buffers between clusters of residential lots are encouraged to enhance privacy and a rural appearance between lots.
- f) Buffers consisting of an informal arrangement of native plant species found in oak-savanna forests combined with infrequent mowing are strongly encouraged to create a low-maintenance, natural landscape.
- g) Planted buffers are also encouraged along natural drainage areas to minimize erosion.
- h) Mass grading for open space and other common landscaped areas and storm water management areas shall be avoided to reduce compaction and impacting water infiltration rates.

Third, low impact design (LID) standards need to be established and should be incorporated into all proposed developments. These standards need to be taken into consideration when City Council reviews a PUD. However, to effectively implement the standards they need to be incorporated into the East Bethel Water Management Plan. This plan is currently under review. LID standards have been established by the MPCA and MNDNR and have been adopted by a number of municipalities. The primary goal of LID is to reduce the amount of storm water runoff and to mimic the pre-settlement site hydrology through storage, infiltration, evaporation, and maintenance of natural drainage patterns. LID site planning and design include:

- a) Disconnecting impervious surfaces
- b) Treatment of water close to the source
- c) Avoiding mass grading and soil compaction
- d) Reducing road widths
- e) Use of joint/shared parking facilities/driveways
- f) Reducing the length and width of driveways
- g) Preserving areas with highly permeable soils for infiltration
- h) Reduced parking spaces
- i) Use alternatives to the traditional cul-de-sac as appropriate depending on site conditions and public safety needs.

And fourth, storm water management design techniques should be established to implement LID standards. A Storm Water Management ordinance will be required to identify the techniques and best management practices necessary to implement LID. Techniques and best management practices to be considered when reviewing a PUD should include:

- a) Reduce volume through use of infiltration practices such as bio-infiltration, vegetated swales, permeable pavement, infiltration basins and trenches.
- b) Reduce volume through on-site storage for reuse (irrigation, storm water runoff)
- c) Make storm water treatment facilities visible and attractive site amenities
- d) Use flat or slotted curbing to convey water into the storm water system

We have included a copy of Section 59 of the City's Zoning ordinance for your review and information. Suggestions noted above are predicated on the City of Hanover's Conservation Design ordinance that was adopted in January, 2010. The purpose and intent of the City of Hanover's Conservation Design ordinance is taken directly from their Comprehensive Plan. We have included a copy of Hanover's Conservation Design ordinance and Residential Density Incentive ordinance for your review. This is the same process staff has proposed for the SNEA Ordinance changes for the City.

Staff has been working with Ms. Anne Gelbmann from the Minnesota Pollution Control Agency (MPCA) regarding conservation design. Ms. Gelbmann has assisted numerous communities throughout the conservation design process. Ms. Gelbmann is available to speak with City Council at a work session on July 21, 2010. She has suggested having Mr. Jim Hennessey, Hanover Planning Commission member, to be present at the work meeting to partake in discussions. Mr. Hennessey has played an integral part in the coordination, facilitation, and adoption of the conservation design process in Hanover. Also, staff has been involved in workshops Mr. Hennessey has facilitated during the process and after the adoption of the conservation design ordinance.

At this time, staff is asking Council to review the suggestions and provide feedback at the work session. Following adoption of the amendments to the current SNEA Ordinance, several other documents/plans will require updating or change. This includes the Water Management Plan, the addition of a Storm Water Management Ordinance and the Planned Unit Development (PUD) section of the zoning ordinance. As noted, these are separate actions by the City Council following the adoption of SNEA Ordinance amendments.

The proposed ordinance amendments would not change those areas on the City's Official Zoning Map that have been identified as SNEA's including those that may contain natural resource corridors. Should Council wish to make changes to the Zoning Map by adding additional natural resource corridors or SNEA parcels, this is a separate process and are not included as part of Section 59 of the Zoning Ordinance. Any Zoning Map amendments would require identification of the areas to be included as SNEA's, a public hearing before the Planning Commission and presentation to City Council for adoption. Any such change to the Zoning Map will require 2/3rds majority vote by the City Council.

**Attachments:**

1. Appendix A, Zoning Ordinance, Section 59, Significant Natural Environmental Area (SNEA) – Overlay District as adopted

- 2. City of Hanover Conservation Design Ordinance
- 3. City of Hanover RA-PUD Residential Density Incentives Ordinance

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**Fiscal Impact:**

None at this time

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**Recommendation(s):**

Staff requests City Council review the suggestions and provide feedback such that the amendments to the current SNEA Overlay District can be developed and presented to Council for consideration. Also, staff requests a work session be scheduled on July 21, 2010 at 6:00 PM to continue discussion of the SNEA Overlay District and for a presentation from Ms. Anne Gelbmann from MPCA.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

**SECTION 59**  
**SIGNIFICANT NATURAL ENVIRONMENTAL AREAS (SNEA)**  
**OVERLAY DISTRICT**

**1. Intent**

The primary purpose of the Significant Natural Environmental Areas (SNEA) Overlay District is to protect resources and functional values that have been identified by Anoka Conservation District (ACD), Minnesota Department of Natural Resources (MNDNR), and the Metropolitan Council as providing benefits to the sustainability of the natural resource communities. This section is intended to protect and rehabilitate areas within the City of East Bethel that contain native vegetation and natural features and/or natural resources that contribute to the health, welfare, and quality of life of the people in the City of East Bethel. The City of East Bethel has the right and responsibility to protect and conserve these areas for a variety of reasons including:

- A. Natural communities and the wildlife habitat they provide;
- B. Contribution to the community's health and safety (i.e. flood control, purification of stormwater runoff, clean and healthy groundwater supplies necessary for the health, safety, and enjoyment of the City's residents and neighboring communities);
- C. Recreational purposes;
- D. Aesthetic and quality of life contributions;
- E. Protection and conservation of natural resources within and adjacent to the natural areas for the community's long-term environmental and economic benefits; and
- F. Contribution to the community's historic and symbolic needs.

**2. Purpose**

To achieve the policies in the Comprehensive Plan and state and federal policies and statutes, the City of East Bethel intends to determine, control, and guide future development within those land areas in the SNEA. Specifically, this section purports to:

- A. Identify areas of SNEAs. These areas include natural areas that are: 1) preserved and minimally changed, and 2) those needing more management to maintain and enhance their natural integrity and resource value;

- B. Control natural environment areas of ecological value to preserve and/or restore ecological functions to the maximum extent possible;
- C. Regulate the use and subdivision of the land within as it relates to the criteria necessary to provide for the long-term sustainability of areas of SNEAs;
- D. Promote innovative development techniques such as conservation and other development practices that measurably reduce the amount of impervious coverage and minimize impacts of development on SNEAs;
- E. Aid developers in the creation of their development plans;
- F. Aid City staff, the Planning Commission, and City Council in their assessment of development plans in areas of “natural environmental significance”; and
- G. Encourage cost effective site development through innovative development practices that efficiently use land and resources. Cost effective development can reduce infrastructure engineering and construction costs because of improved lot configurations, shortened and/or narrower streets, and reduced utility runs. Long-term public cost savings can also be realized by lowering public maintenance costs.

### 3. General Provisions

- A. Identification of Significant Natural Environmental Areas (SNEAs). SNEAs contain native vegetation and natural features and/or natural resources prioritized by the City of East Bethel according to the natural resource functions they provide, including vegetation diversity, wildlife habitat, economic value, community open space, water quality, flood protection, aesthetics, and recreation.

SNEAs may contain rare, threatened, or endangered species and/or protect natural resources of concern. Further fragmentation, disturbance, and development will adversely affect and may destroy the natural processes operating within SNEAs, as well as the composition, structure, and functions of the natural communities they contain.

SNEAs include areas that are significant in spite of alteration by human impact. These areas may need management to maintain, enhance, and/or repair its natural resource value to the community including, but not limited to, exotic species control, fire management, and stormwater pond construction for water quality enhancement.

SNEAs are identified by the City of East Bethel to:

- 1) Protect, conserve and enhance the City of East Bethel's natural resources including inventoried and identified native prairies, forests, woodlands, sensitive geological and hydrological features, wetlands, riparian (river and stream) corridors, wildlife corridors, and other sensitive natural features,
- 2) Promote open space, including an interconnected system of trails and corridors for wildlife where appropriate and feasible;
- 3) Provide for the orderly growth and development of the City of East Bethel residential areas;
- 4) Promote flexible site planning;
- 5) Encourage coordination between local government, county, state, and federal agencies concerned with natural resources;
- 6) Encourage early cooperative planning between landowners/developers, the City of East Bethel, and individuals with scientific expertise in natural communities and resources.

B. Criteria for Designating SNEAs

The MNDNR, ACD, and Metropolitan Council has inventoried natural resources and designated SNEAs as having one or more of the following characteristics:

- 1) Contains a high degree of native biodiversity and few exotics;
- 2) Is of adequate size, cohesiveness, and shape to be biologically sustainable either as an isolated body or by a continued connection to an existing resource;
- 3) Is a remaining example of a pre-European settlement natural community for Minnesota;
- 4) Is considered significant because it is rare in the City of East Bethel;
- 5) Contains a rare species site, and is critical in preserving the rare plant species or in conserving the rare animal species present, consistent with MN 84.0895, Protection of Threatened and Endangered Species; and
- 6) Contains sensitive geological and hydrological features.

#### **4. Development Procedure**

SNEA Overlay District is intended to provide for greater flexibility in land use planning. The application procedure and applicable general requirements pertaining to Planned Unit Developments (PUD) shall apply to SNEAs, subject to any exceptions, modifications, or additions set forth in the ordinance. Amendments to the PUDs can be proposed and implemented upon City Council approval.

#### **5. Standards**

In order to provide maximum flexibility, no fixed standards shall apply to the SNEA Overlay District. In evaluating each individual proposal, City Council shall recognize that the primary function of the SNEA Overlay District is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site.

## ARTICLE 62

### CD, CONSERVATION DESIGN OVERLAY DISTRICT

#### SECTION

- 20-62-01: Purpose and Intent
- 20-62-02: Applicability
- 20-62-03: General Design Standards

#### 20-62-01: PURPOSE AND INTENT

- A. The Conservation Design Overlay District is established for the purposes of regulating development consistent with the city Comprehensive Plan and Surface Water Management Plan. The Conservation Design Overlay District is intended:
1. To maintain the City's rural character by protecting and enhancing important landscape elements, including woodlands, hedgerows, drainage corridors, wetlands, floodplains, shorelands, meadows, pastures, steep slopes and viewsheds as described in the city's conservation design guidance document.
  2. To conserve land for the purpose of creating ecological corridors (contiguous managed landscapes) to protect existing wildlife habitat and to connect patches of wildlife habitat to support greater biodiversity and maintain ecosystem processes.
  3. To create a system of interconnected ecological and trail corridors throughout the community for the benefit of current and future residents.
  4. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
  5. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density.
  6. Provide development flexibility for landowners to reflect their varying circumstances and individual characteristics of their properties.
  7. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce road length and width, utility runs, and the impervious cover required for residential development.

8. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences.
  9. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
  10. To reduce traffic speeds and pedestrian safety.
  11. To cluster houses and roads in less environmentally sensitive areas and on soils less conducive to infiltration.
  12. Incorporate stormwater management practices that reduce runoff and treat runoff through disperse treatment facilities located close to the source of runoff.
- B. All development with the Conservation Design Overlay District shall be by planned unit development according to: 1) the platting procedures as established in the Subdivision Ordinance (Chapter 30); 2) the planned unit development procedures established in Article 59 of this chapter; and 3) the provisions found in this article.

**20-62-02: APPLICABILITY**

- A. The Conservation Design Overlay District, further defined herein, is hereby established as a part of this chapter. The Conservation Design Overlay District shall be an overlay district such that any parcel lying in the overlay district shall also lie within one or more of the underlying zoning districts. Regulations and procedures set forth in underlying zoning districts shall apply unless specifically addressed in Article 59 (PUD) of this chapter, or this article, or if determined by the City Council to be inconsistent with the purpose and intent outline in section 20-62-01 of this article, approved by the City Council as part of the final planned unit development plans.
- B. For purposes of determining the application of this article, the boundaries of the Conservation Design Overlay District shall be established and shown on the official zoning map of the city, on file in the office of the city clerk and zoning administrator.
- C. Structures existing on or before the effective date hereof shall be exempt from the standards set forth with the Conservation Design Overlay District until such time as the parcel is subdivided.

- D. Parcels lying in the Conservation Design Overlay District may be developed according to the regulations of the underlying or base zoning district or according to the regulations of this article.

**20-62-03: GENERAL DESIGN STANDARDS**

- A. All development under this article shall be pursuant to an approved final PUD plan. The procedures and regulations set forth in Article 59 (Planned Unit Development) shall apply unless specifically addressed in this section. If a final PUD plan is approved by the City Council, the underlying zoning for the subject property shall be rezoned to the PUD zoning district though the overlay district shall remain the conservation design overlay district. The permitted uses and all other regulations governing uses on the subject land shall then be those found in the PUD zoning district and documented by the PUD plans and agreement. The following subsections are requirements for all PUDs in the Conservation Design Overlay District unless exceptions, as part of a PUD, are otherwise approved by the City Council. The City Council must determine that the exceptions are consistent with the goals, policies, and plans of the Comprehensive Plan and the Surface Water Management Plan; the exceptions are generally compatible and would not be materially injurious to existing or future uses of surrounding properties; and the exceptions do not have an undue adverse impact on existing or planned city facilities and services, including streets, utilities, parks, police and fire and the reasonable ability of the city to provide such service in an orderly, timely manner.
- B. Ownership: the tract of land may be held in single and separate ownership or in multiple ownerships. However, when a tract is held in multiple ownerships, it shall be planned as a single entity with common authority and common responsibility as demonstrated through all property owners being signatories on the PUD application.
- C. Density and calculation of allowed dwelling units.
  - 1. The maximum net density is 1.5 dwelling units per net buildable acre.
  - 2. The number of dwelling units permitted on a site shall be based on net buildable area (NBA) using the following method:

From the gross acreage of the site, subtract the unbuildable areas:

Gross Acreage of Site: \_\_\_\_\_ acres

Unbuildable Area:  
Land within existing road right of way: \_\_\_\_\_ acres

Land within existing utility <sup>1</sup> and railroad right of way	_____ acres
Land within the 100-year floodplain	_____ acres
Land within wetlands, ponds and lakes	_____ acres
Land having a slope of 18 percent or greater	_____ acres
Total unbuildable area	_____ acres
Net buildable Area (NBA)	_____ acres

Where two or more categories overlap, the overlapping area shall be counted only once.

To determine the number of dwelling units permitted, the net buildable area shall be multiple by the maximum net density, rounding to the nearest whole number.

$$\frac{\text{_____ Acres NBA}}{\text{_____ (max. net density)}} = \text{_____ permitted dwelling units}$$

- D. Allowed Residential Uses: PUD developments in the conservation design overlay district are allowed to have a mixture of housing types, provided that the provisions of this article are met. The total number and location of housing units and housing types for each PUD shall be established by the City Council at the time of final PUD plan approval for the specific property.
  
- E. Dimensional standards: there are no minimum standards for:
  - 1. Lot size
  - 2. Lot width (flag and butt lots permitted)
  - 3. Lot frontage
  - 4. Lot depth
  - 5. Structure size (square feet):
  - 6. Structure width

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<sup>1</sup> Power and fuel pipeline easements are considered unbuildable areas. Existing drainage and sewer/water utility easements are not considered unbuildable.

7. Structure setbacks

F. In no instance may a building (principal or accessory) lie within an area of the lot encumbered by an easement.

G. Separation Distances.

The property lines of all lots shall conform to the following setbacks in order to allow for buffer screening or to minimize conflicts:

1. Existing or proposed arterial street rights-of-way: 25 feet.
2. Subdivision perimeter boundaries: 25 feet.
3. Cropland or pasture land: 50 feet.
4. Buildings or barnyards housing livestock: 100 feet.
5. Wetlands: 30 feet from the ordinary high water mark (if public wetland) or delineated wetland edge.

H. Open Space

1. Required Open Space. The City Council may require that up to 50% of the total area of each PUD shall be designated as open space. The required amount of open space is in addition to any land that would be used to satisfy the public park dedication requirements found in the subdivision chapter.
2. Open Space Priorities. Open space shall generally be located and designed to incorporate the following areas listed in order of priority:
  - a. Existing high and medium quality ecological resources identified in the comprehensive plan ecological resources map.
  - b. Land within ecological corridors identified in the comprehensive plan ecological resources map. Corridors shall be designed according to the standards in Article 58.
  - c. Slopes over 12 percent, particularly those adjoining rivers, streams wetlands, and drainage areas, due to the potential for soil disturbance leading to erosion that is detrimental to water quality.
  - d. Natural drainageways.
3. Other Open Space Areas. Depending on the individual parcel and its location, these areas may also be important areas for open space designation.

- a. Other healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
  - b. Areas where precipitation and stormwater treatment are most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
  - c. Hedgerows, groups of trees, specimen trees, and other unique or significant vegetation features.
  - d. Historic or culturally important structures and sites.
  - e. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic views as seen from public roads.
4. Open Space Design Standards. The following open space design standards shall also be considered in designing the PUD:
- a. Open space should be interconnected wherever possible to provide a continuous network of open space land within the PUD and throughout the City. It should coordinate and maximize boundaries with open space on adjacent tracts.
  - b. The four-step design process described in the comprehensive plan shall be used to designate and lay out the open space area.
  - c. Incorporate public trails and/or public open space designated in the comprehensive plan. Active recreation facilities may contribute to applicable park dedication requirements.
  - d. Designated public access trails shall be protected by an access easement owned by the city.
  - e. Open space uses may include: natural/passive and active recreation areas, agriculture, stormwater management facilities, neighborhood greens, trail links, boulevards (e.g. with infiltration facilities), and cul-de-sac Islands.
  - f. Open space should be distributed throughout the development to serve and enhance as many dwelling units as possible. At least 75 percent of the lots shall directly abut or face open space land across a street. Non-adjoining lots shall be provided with convenient access to the open space through access strips at least 30 feet wide. Access to open space used for agriculture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.
  - g. Use of single loaded roads (e.g. parcels on one side only) shall be minimized.
  - h. Views of new dwellings from exterior roads and abutting properties should be minimized by the use of changes in topography, existing vegetation, or additional landscaping. Ridge and hilltops should be contained within open space areas wherever possible. Trees should not be removed from ridge and hilltops.

- i. The entire area set aside as open space shall be maintained in perpetuity. This restriction shall run with the land and be binding on successors and assigns of the landowner.
  - j. The boundaries of designated open space areas shall be clearly delineated and labeled on PUD plans. These areas shall be delineated in the field with signage or other measures approved by the city.
  - k. Agricultural open space uses should use conservation practices consistent with those described in the “National Handbook of Conservation Practices,” published by the United States Department of Agriculture Natural Resources Conservation Service, or “Alternative Stormwater Best Management Practices Guidebook” published by the Valley Branch Watershed District.
5. Landscape Design Standards.
- a. Street trees may be planted, but are not required, along internal streets passing through common open space.
  - b. Irregular spacing is encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.
  - c. The selection of vegetation should be guided by the “ecological system summaries and class factsheets” for native plant communities published by the Minnesota Department of Natural Resources. Selected factsheets representing desired native plant communities are available from the City.
  - d. A planted buffer area at least 25 feet in width shall be established within all separation areas between exterior arterial or major collector roads and property lines.
  - e. Planted buffers between clusters of residential lots are encouraged to enhance privacy and a rural appearance between lots.
  - f. Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.
  - g. Planted buffers are also encouraged along natural drainage areas to minimize erosion.
  - h. Mass grading for open space and other common landscaped areas and stormwater management areas shall be avoided to reduce compaction and impacting water infiltration rates. Soil testing and decompaction may be required if site construction activities negatively impact soil permeability.

I. Low Impact Design Standards

1. Low impact development (LID) site design and stormwater management techniques shall be incorporated into all proposed developments. The primary goal of LID is to reduce the amount of stormwater runoff and to mimic the pre-settlement site hydrology through storage, infiltration, evaporation, and maintenance of natural drainage patterns.
  - a. Site Planning and design methods include:
    1. Disconnecting impervious surfaces
    2. Treatment of water close to the source
    3. Avoiding mass grading and soil compaction
    4. Reducing road widths. Road edges shall have concrete edge.
    5. Use of joint/shared parking facilities/driveways
    6. Reducing the length and width of driveways
    7. Preserving areas with highly permeable soils for infiltration
    8. Reduced parking spaces
    9. One-way boulevards with infiltration swales.
    10. Use alternatives to the traditional cul-de-sac as appropriate depending on site conditions and public safety needs.
    11. Avoidance of environmentally sensitive features.
  - b. Stormwater management techniques include
    1. Reduce volume through use of infiltration practices such as bio-infiltration (raingardens), vegetated swales, permeable pavement, infiltration basins and trenches.
    2. Reduce volume through on-site storage for reuse (irrigation, gray water)
    3. Make stormwater treatment facilities visible and attractive site amenities.
    4. Use flat or slotted curbing to convey water into the stormwater system.
  - c. Better Site Design/Low Impact Development practices as identified in the Minnesota Stormwater Manual published by the Minnesota Pollution Control Agency and the Alternative Stormwater Best management Practices Guidebook published by the Valley Branch Watershed District shall be used to design sites and meet the performance standards

**ARTICLE 59.5\***

**RA-PUD, RESIDENTIAL DENSITY INCENTIVES (RDI)**

SECTION

- 20-59.5-01: Purpose and Intent
- 20-59.5-02: General Requirements
- 20-59.5-03: Public Benefits and Density Incentives (Bonus Units)
- 20-59.5-04: Rules for Calculating Total Permitted Dwelling Units.
- 20-59.5-05: Performance Standards
- 20-59.5-06: Procedure for Processing an RA-PUD
- 20-59.5-07: PUDS Within the Shoreland Management Overlay District

**20-59.5-01: PURPOSE AND INTENT:** This Article is intended to encourage creative site design for the conservation of land and provision of other public benefits through density incentives and by allowing deviation from the strict provisions of this Chapter related to setbacks, heights, lot area, width and depths, yards, etc. by conditional use permit. Density incentives are provided to developers of residential agricultural lands in exchange for public benefits that achieve Comprehensive Plan goals for open space, habitat and rural character protection, high quality housing and use of public sewer and water service by:

- A. Defining in quantified terms the significant public benefits that can be used to earn density incentives;
- B. Providing rules and formulas for guiding the calculation of density incentives earned by each benefit;
- C. Preserving productive land for agricultural use, wildlife habitat and unique natural resources and reducing negative impacts on the environment
- D. Designing land efficiently resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
- E. Creating common open space that provides a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.
- F. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

**20-59.5-02: GENERAL REQUIREMENTS:**

- A. **Ownership.** An application for PUD approval shall be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions shall be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved PUD shall be binding on all owners.
- B. **Comprehensive Plan Consistency.** The proposed PUD shall be consistent with the City Comprehensive Plan.
- C. **Open Space Ownership and Management.** Whenever common open space or facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and facilities to a predetermined reasonable standard. Each designated open space area shall be owned and managed in accordance with standards in the Hanover Subdivision Ordinance. Common open space and facilities within a PUD may be placed under the ownership of one or more of the following:
1. Landlord – Tenant. Landlord control, where only use by tenants is anticipated.
  2. Owners. Property owners association, provided all of the following conditions are met:
    - a. Declaration of Covenants and Conditions. Prior to the use, occupancy or sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document or a document, as specified by the Minnesota Common Interest Ownership Act set out in Minnesota Statutes Chapter 515B as may be amended, supplemented or replaced from time to time and a set of floor plans as specified by Minnesota Statutes Chapter 515B, as may be amended, supplemented or replaced from time to time, shall be filed with the City of Hanover. Said filing with the City shall be made prior to the filings of said declaration or document or floor plans with the recording officers of Hennepin or Wright County, Minnesota.
    - b. Open space may be owned in common by the property owners created through subdivision of the original tract. Management shall be the responsibility of that subdivision's homeowner association. In the case where at least one (1) open space is held in common

ownership, a homeowner association shall be established for that subdivision. Membership in the association by all property owners in the subdivision shall be mandatory. The homeowner's association documents or the declaration of covenants, conditions and restrictions shall be submitted as part of the preliminary plat application and shall contain the following information:

- (1) The legal description of the common lands or facilities.
- (2) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.
- (3) A mechanism for resolving disputes among the owners or association members.
- (4) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
- (5) The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.
- (6) Natural Habitat. Open space may be deeded to an established land trust, a government agency, or non-profit organization. Management shall be the responsibility of the land trust or non-profit organization. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust or non-profit organization.
  - (a) Open space may be protected by establishing conservation easements in perpetuity in favor of an established land trust or non-profit organization as provided in Minnesota Statutes Sections 84.64 – 84.65 as may be amended, supplemented or replaced from time to time. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof. Notwithstanding any provision of this

Chapter to the contrary, the City may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this Chapter, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

- (b) Stormwater drainage systems located within open spaces or the residential lots shall be covered by utility and drainage easements dedicated on the final plat to the City.
3. The City of Hanover. Public parks, passive open space or trails shall be dedicated to the City. Management and maintenance of the public facilities shall be the responsibility of the City.
- D. **Staging.** When a PUD provides for common open space, the total area of open space or land escrow security in any stage of development, shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages that are completed bear to the entire PUD.
- E. **Development Agreement.** Prior to a rezoning or the issuance of a building permit as part of Planned Unit Development, the applicant, builder, or developer shall execute and deliver to the City Council a development agreement. The agreement shall detail all use restrictions and required on and off-site improvements conditional to the CUP/PUD approval. The agreement shall provide for the installation within one (1) year of the off-site and on-site improvements (exclusive of building permit) as approved by the City Council, secured by a cash escrow or letter of credit in an amount and with surety and conditions satisfactory to the City, to insure the City that such improvements will be actually constructed and installed according to specifications and plans approved by the City as expressed in such agreement.
- F. **Permitted locations for residential density incentives.** Residential density incentives shall be used only on sites served by public sewer and water and only in the RA Residential Agriculture District.

**20-59.5-03: PUBLIC BENEFITS AND DENSITY INCENTIVES (BONUS UNITS):**

- A. The density incentive is expressed as additional dwelling or bonus units (BU) earned per specified amount of public benefit provided.
- B. Bonus units may be earned through any combination of the listed public benefits or amenities.

- C. Through the review process, public benefits and bonus units not identified in this section may be proposed by either the developer or the City.
- D. The awarding of bonus units for each proposed public benefit shall be guided by the following schedule. The applicant, Planning Commission, City Council and Staff may suggest other award levels for benefits that are in keeping with the overall purpose of this Article. The City Council shall award the bonus units based on its evaluation of the entire PUD proposal. Based on this evaluation, the Council may deviate from the following schedule at its discretion.

<b>Public Benefit or Amenity</b>	<b>Qualifying Condition</b>	<b>Bonus Unit (BU)</b>
Dedication of active or passive recreation <u>public</u> open space or corridor contributing to the rural character of Hanover.	Dedication of land or granting a permanent easement for land containing public open space to the City of Hanover (or designee) meeting Hanover’s standards for open space (Area of wetlands and other undevelopable land do not qualify for BUs).	.5 BU per acre exceeding the minimum requirement in 30-08-13 of the Subdivision Ordinance (i.e. 10% park dedication requirement)
Dedication of active or passive <u>private</u> open space or corridor contributing to the rural character of Hanover.	Dedication of land or granting an easement for land containing open space to an approved entity meeting Hanover’s standards for open space. (Area of wetlands and other undevelopable land do not qualify for BUs).	.25 BU per acre exceeding the minimum requirement in 30-08-13 of the Subdivision Ordinance (i.e. 10% park dedication requirement)
Improved Park	Improvements to a dedicated public park site.	.5 - .8 BU per acre of park depending on the amount and quality of improvements. Bonus units earned shall be in addition to bonus units earned by dedication of raw land.
Improved Trail	Improvement to a dedicated corridor land segment meeting City of Hanover multi-purpose trail standards.	.3 - .8 BU per quarter-mile of trail constructed depending on level and quality of improvements.
Tree preservation	Preservation of 50 percent or more of healthy tree inches not contained in a public or private park, trail or open space area awarded BUs.	.5 BU per 1000 inches if more than 50% saved. 1 BU per 1000 inches if more than 65% saved. 1.25 BU per 1000 inches if more than 75% saved.
Low impact Stormwater management systems	The implementation of stormwater systems that reduce runoff volume beyond current standards and meeting Hanover maintenance standards.	.5 BU per allowable housing unit at base density for every 10% reduction in volume discharged from site compared to current state standards for Hanover.
4-Sided Architecture	Each housing unit meets City standards for four-sided architecture	.1 bonus unit per allowable housing unit at base density level.
Multiple Builders	At least two different builders employed on project with each	.1 bonus unit per allowable housing unit at base density level

	constructing at least 20 percent of the single family homes. (first builder does not qualify).	for every 20 percent of housing units built by a different builder
Other Benefit	Developer or city proposed benefits not listed above.	Bonus units assigned through staff recommendation and Commission and Council review and approval.

**20-59.5-04: RULES FOR CALCULATING TOTAL PERMITTED DWELLING UNITS:**

- A. The formula for calculating the total number of dwelling units (DW) permitted through the RDI review process is as follows:

Dwelling Units allowed at base density	+	Bonus Units (Bu)	=	Total Dwelling Units
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- B. The dwelling units allowed at base density is determined by dividing the total gross area of the project site by two and one half (2.5) acres. This will be .4 dwelling units per acre.
- C. The bonus units for each public benefit shall be calculated individually and rounded to the nearest tenth. In summing the bonus units for more than one public benefit, fractional numbers shall be added together and rounded to the nearest whole number; .5 or more dwelling units are rounded up.
- D. The total number of dwelling units may not exceed a gross density of .8 units per acre, or 100 percent of the base density.

**20-59.5-05: PERFORMANCE STANDARDS**

**A. Open Space Standards.**

1. All designated public or private open space and trail corridors shall be platted as outlots and held as open space in perpetuity.
2. Open Space Classification Criteria. Each open space outlot shall be classified as natural habitat, neighborhood recreation, or trail corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification, as specified in the Hanover Subdivision Ordinance.

- (a) **Natural Habitat.** The development shall preserve natural habitat in a contiguous, connected configuration. Natural habitat open spaces may include, but are not limited to, fields, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable view sheds.
- (b) **Trail and Greenway Corridors.** The development shall locate corridors in strategic places such that larger open space areas both on the project site and adjacent land are connected with one another. Corridor open spaces may include, but are not limited to, recreational multi-purpose trails, shorelines and larger greenway corridors. Corridors shall be appropriately sized to their function but no less than thirty (30) feet in width.
- (c) **Neighborhood Recreation.** The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, or other recreational areas.

**B. Width and Setback Standards**

- 1. Minimum Lot Width.
  - (a). Interior Lot. One hundred (100) feet.
  - (b). Corner Lot. One hundred twenty-five (125) feet.
- 2. Setbacks. Setbacks shall be the same as those imposed in the R-1A Zoning District.

**20-59.5-06: PROCEDURE FOR PROCESSING AN RA-PUD :**

- A. **Stages of PUD.** The processing steps for a PUD are intended to provide for orderly development of the Plan, with the greatest expenditure of developmental funds being made after the City has had ample opportunity for informed decisions as to the acceptability of the various segments of the plan and how it affects the public interest. The various steps and applications, outlined in detail in the following sections, are:

1. Application Conference. Preliminary discussions.
  2. Concept Plan Application. Consideration of overall concept and plan.
  3. Preliminary Plat Plan Application. One or more detailed Plans as part of the whole final plan.
  4. Final Plat Application. The summary of the entire concept and each Development Stage Plan in an integrated complete and final plan.
- B. **Application Conference.** The applicant for the proposed PUD shall attend a conference with City Staff. At such conference, the applicant shall be prepared to generally describe the PUD proposal including public benefits and bonus units to be requested. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Chapter before incurring substantial expense in the preparation of plans, surveys and other data.
- C. The person applying for a planned unit development shall fill out and submit to the Zoning Administrator a development application form together with a fee as established by City Council Ordinance. The request for planned unit development shall be placed on the agenda of the Planning Commission according to the City's deadline and meeting schedule. The request shall be considered officially submitted and the application approval time line commences when all the information requirements are complied with.
- D. Planned unit development/conditional use permit application shall be posted and advertised in accordance with this Chapter.
- E. Public hearings shall be held at the PUD preliminary plat stage.
- F. **Concept Plan Application.**
1. Purpose. The Concept Plan provides an opportunity for the applicant to submit an application and plan to the City showing the basic intent and the general nature of the entire development before incurring substantial cost. This Concept Plan serves as the basis for initial review and comment by the Planning Commission and City Council. Public benefits or amenities not included in the schedule included in this article will also be reviewed at this time. Concept plan review does not convey any legal development rights to the applicant. The following elements shall be included in the Concept Plan application.

- a. Overall Maximum PUD Density Range.
  - b. Schedule of public benefits with density incentive (bonus units) for each benefit based on the guidelines provided in this Article. Schedule should show the computation of bonus units for each public benefit.
  - c. General Location of Major Streets and Pedestrian Ways.
  - d. General Location and Extent of Public and Common Open Space.
  - e. General Location of Residential and Non-Residential Land Uses with Approximate Type and Intensities of Development.
  - f. A Staging and Time Schedule of Development.
  - g. Other Special Criteria for Development.
2. Concept Plan Submission Information.
- a. General Information.
    - (1) Owner. The landowner's name, address and telephone number and his interest in the subject property.
    - (2) Applicant. The applicant's name, address and telephone number if different from the landowner. The applicant may designate an agent to be contacted by the City, who may speak for the applicant.
    - (3) Consultants. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
    - (4) Title of Applicant. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

- b. Present Status of Premises and Adjacent Properties.
- (1) Description. The address and legal description of the subject property. A certificate of survey is required.
  - (2) Zoning. The existing zoning classification and present use of the subject property and all lands within five hundred (500) feet of the subject property.
  - (3) Map. A single reproducible map or aerial photograph at a scale of not less than one (1) inch equals one hundred (100) feet, and one 11" x 17" black and white copy, depicting the existing development of the subject property and all land within five hundred (500) feet thereof and showing the precise location of existing streets.
- c. Narrative Description. A written statement generally describing the proposed PUD and the market which it is intended to serve, showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
- d. Site Conditions: Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted and shall contain the following:
- (1) Survey showing lot dimensions and existing easements and utilities.
  - (2) Contours
  - (3) Location, type, and extent of tree cover.
  - (4) Slope analysis.
  - (5) Location and extent of water bodies, wetlands, and streams and flood plains within three hundred (300) feet of the subject property.
  - (6) Existing drainage patterns.
  - (7) Vistas and significant views.

- (8) Soil conditions as they affect development.
- e. Concept Drawing. Schematic drawing of the proposed development concept including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
- f. Number of Units. A statement of the estimated total number of dwelling and/or other units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
- (1) Area devoted to residential uses.
  - (2) Area devoted to residential use by building or structure or use type.
  - (3) Area devoted to private open space.
  - (4) Area devoted to public open space.
  - (5) Approximate area devoted to streets.
- g. Staged Development. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and the proportion of the total public or private open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.
- h. Common Areas. When the proposed PUD includes provisions for public or private open space or facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- i. Covenants. General intent of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

- j. **Market Feasibility.** Where deemed necessary, a market feasibility study including an analysis of the proposals economic impact on the City.

3. Concept Plan Process.

- a. Staff and any affected agencies provide a project evaluation and submit to the Planning Commission for review.
- b. The Planning Commission shall review and comment on the concept plan at a regular meeting of the Planning Commission.
- c. The Planning Commission shall make a recommendation to the City Council on the Concept Plan.
- d. City Council reviews all recommendations and provides comments and/or recommendations to the application to guide future project development.

**G. Preliminary Plat Plan Application.**

1. Purpose. The purpose of the Preliminary Plat Plan is to provide one or more specific plans upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the Final Plan.
2. Submission of Preliminary Plat. Upon approval of the Concept Plan the applicant shall file with the Zoning Administrator a Preliminary Plat Plan application including the information and submissions required for the entire PUD or for one (1) or more stages thereof in accordance with a staging plan approved as part of the Concept Plan. The Preliminary Plat Plan shall refine, implement and be in substantial conformity with comments received through the Concept Plan process.
3. Review and Action by City Staff and Planning Commission. Immediately upon receipt of a complete Preliminary Plat Plan, the Zoning Administrator shall refer such plan to the appropriate City staff, Planning Commission and other special review agencies such as the Department of Natural Resources, Environmental Quality Board or Watershed Management Organization where applicable.
4. Preliminary Plat Plan Review Criteria. The evaluation of the proposed Preliminary Plat Plan shall include but not be limited to the following criteria:

- a. *Individual Rights.* Adequate property control is provided to protect the individual owners' rights and property values and the public responsibility for maintenance and upkeep.
  - b. *Traffic Plan.* The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project residents and the general public.
  - c. *Open Space.* A sufficient amount of useable open space is provided.
  - d. *Compatibility.* The architectural design of the project is compatible with the surrounding area.
  - e. *Drainage.* The drainage and utility system plans are submitted to the City Engineer and the final drainage and utility plans shall be subject to their approval.
  - f. *Schedule.* The development schedule insures a logical development of the site that will protect the public interest and conserve land.
  - g. *Platting Requirements.* The development is in compliance with the requirements of the Hanover Subdivision Ordinance.
  - h. *District Requirements.* Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
5. *Preliminary Plat Submission Information.* Preliminary Plat submissions should depict and outline the proposed implementation of the Concept Plan for the PUD. The Development Stage submissions shall include but not be limited to:
- a. *Zoning Required.* Zoning classification required for Development Stage submission and any other public decisions necessary for implementation of the proposed plan.
  - b. *Preliminary Plat.* Informational requirements of the Subdivision Ordinance plus the following:
    - (1) Buildings. The location, size, use and arrangement including height in stories and feet and total square feet of ground

area coverage and floor area, or proposed buildings, and existing buildings which will remain, if any.

- (2) Traffic Circulation. Location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
  - (3) Private Open Space. Location, designation and total area of all private open space.
  - (4) Public Open Space. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
  - (5) Locate Existing Structures. The location, use and size of structures and other land uses on adjacent properties.
  - (6) Legal Description. An accurate legal description of the entire area within the PUD for which final plan approval is sought, correlated to the legal description defining use districts in this Chapter.
- c. Architectural Plans. Preliminary architectural plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings and architectural guidelines for future development phases.
  - d. Landscape Plan. A detailed landscaping plan including the type, size and quantity of all existing and proposed plantings.
  - e. Grading, Drainage and Pollution Control Plan. Preliminary grading, drainage and pollution control plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
  - f. Erosion Control. A Soil Erosion Control Plan acceptable to watershed district and any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
  - g. Public Benefits and Bonus Units. A schedule of proposed public benefits must be thoroughly described in the Application and their

spatial impacts must be accurately depicted on the appropriate plans. Computations showing the number of bonus units for each benefits shall be shown along with the total number of bonus units proposed.

- h. Additional Data. Such other and further information as the Planning Commission, Zoning Administrator or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
6. The terms of the PUD as approved by the City Council shall be embodied in a PUD Agreement, Development Contract, and such other documents as the City shall deem necessary or desirable. The PUD Agreement and any appropriate resolution of the City Council shall be filed with the Hennepin or Wright County Recorder at the expense of the applicant. At the election of the City, filing of the Preliminary Plat PUD may be delayed until the final plan is filed. Where the Preliminary Plat Plan is denied approval, Council action shall be by written resolution setting forth its findings and conclusions in support of its action. In all cases, a certified copy of the document evidencing City Council action shall be promptly mailed to or served upon the applicant.
7. Limitation on Development Plan Approval. Unless a Final Plan covering the area designated in the Preliminary Plat Plan as the first stage of the PUD has been filed within one (1) year from the date the City Council grants Preliminary Plat Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Chapter and/or an approved Preliminary Plat Plan, the approval shall expire. The City Council may at its discretion, extend for not more than six months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary. In any case where Preliminary Plat Plan approval expires, the City Council may adopt a resolution repealing the Preliminary Plat Plan approval for that portion of the PUD that has not received Final Plan approval and re-establishing the zoning and other Code provisions that would otherwise be applicable.

#### H. **Final Plan Application.**

1. Purpose. The Final Plan is to serve as a complete, and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other provisions of the City Code as the land use regulation applicable to the PUD.

2. Submission of Final Plan. Upon approval of the Preliminary Plat Plan, and within the time established herein the applicant shall file with the Zoning Administrator an application and Final Plan consisting of the information and submissions required by this Chapter for the entire PUD or for one (1) or more stages. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Preliminary Plat Plan and shall conform to the Preliminary Plat Plan in all respects, and shall be integrated as a coherent statement of the entire Plan.
3. Final Plan Submission Information. After approval of a Preliminary Plat Plan for a PUD, the applicant will submit the following material for review by the City staff prior to issuance of a building permit:
  - a. Recording Proof. Certified copies establishing the recording of any easement or other documents required by the City prior to the sale of any land or dwelling unit included in the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
  - b. Final Plans, Structures. Final architectural working drawings of all structures.
  - c. Final Engineering Plans. Final engineering plans and specifications for streets, drainage, utilities and other public improvements, together with a development contract providing for the installation of such improvements and financial guarantees for the completion of such improvements.
  - d. Other Plans. Any other plans, agreements, or specifications necessary for the City staff to review the proposed construction. All work shall be in conformance with the Building Code of the City.
  - e. Recording of Final Plan. Within sixty (60) days of its approval, the applicant, or at its election, the City shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the County Recorder or Registrar of Titles, at the expense of the applicant. Certified copies of all relevant recorded documents shall be furnished to the City.
  - f. Building and Other Permits. Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved Final Plan has been recorded, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other

work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that all requirements of this Chapter which are applicable to the permit sought, have been satisfied.

- g. Limitation on Final Plan Approval. Within one (1) year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted and hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the Zoning Chapter, and other Chapter provisions, applicable in the district in which it is located. In such case, the Council shall adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other provisions that would otherwise be applicable.

**20-59.5-07: PUDS WITHIN THE SHORELAND MANAGEMENT OVERLAY DISTRICT**

- A. **PUDs Within the Shoreland Management Overlay District.** In addition to the requirements set forth in this Article 59, planned unit developments within the Shoreland Management Overlay District shall be subject to the provisions of Article 60.